



Department for Business Innovation & Skills

Intervention in Further Education

An Evaluation of the Further
Education Commissioner – led
Intervention Process
Summary Report

MARCH 2015

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1. Background to the Evaluation

1.1 The rationale for a swifter and more robust intervention regime in Further Education (FE) was set out in 'Rigour and Responsiveness in Skills' (BIS 2013). This included the case for a new independent FE Commissioner and FE Adviser role, Administered College status and the Sixth Form College Commissioner. The new approach has been operating since August 2013.

1.2 The primary purpose of FE intervention is defined as 'protecting the learners' interests [...] safeguarding existing learners' education, and putting in place better local provision for the future', so that any action taken as a result of the FE Commissioner's advice would 'aim to deliver significant change to learners'.

1.3 There are three trigger points for intervention: an Ofsted 'Inadequate' inspection grading and/or assessed as inadequate by the Skills Funding Agency (SFA) for financial health or financial management and/or failure to meet minimum standards of performance set by DfE and SFA.

1.4 This report provides an evaluation of the current FE Commissioner-led intervention process for General FE Institutions and examines the operation and effectiveness of each stage of the intervention process, identifying the lessons which could be learned to inform the direction of travel and that will ensure the policy aim delivers rapid and robust improvement.

1.5 The intervention process is led by the FE Commissioner, Dr David Collins, acting as a single point of contact between BIS, Ofsted, the Skills Funding Agency (SFA) and Education Funding Agency (EFA), reviewing the position of a college and providing advice to Ministers on action(s) to take. These recommendations can include replacing some or all of the governing body of the institution; dissolution of the institution; or imposition of 'Administered Status' on the institution meaning that its freedoms and flexibilities would be suspended while it improved performance. Alternatively the FE Commissioner could undertake a 'Structure and Prospects Appraisal' to systematically consider the impact of different options available for learners, employers and the broader community and, where applicable, recommend that an institution seek new providers or delivery partners.

1.6 'Intervention in Further Education: the Strengthened Intervention Process', published in April 2014, describes the intervention policy.

1.7 Six FE Advisers were appointed in September 2013, with Dr David Collins appointed as the FE Commissioner in November 2013. Five further FE Advisers were appointed in September 2014

1.8 At 1st January 2015, 16 provider institutions have been subject to intervention by the FE Commissioner and his Team. The FE Commissioner's Annual report published in November 2014 provides further details on the colleges subject to intervention.

2. Methodology

2.1 The research undertaken for the evaluation consisted of:

- A literature review of the development and implementation of the intervention process and desk-based research into intervention activities carried out elsewhere in the sector and across Government.
- An examination of project and information management arrangements.
- A review of internal and external communications and media interest in the intervention policy.
- Interviews with key stakeholders. These consisted of BIS colleagues involved in all stages of developing the policy on intervention; partners with an interest in intervention including the SFA, EFA, Ofsted and DfE; sector representatives from various groups; the Chairs of Governors and Principals of two colleges subject to intervention; six FE Advisers and the FE Commissioner. These were carried out either face to face or through telekits.
- A survey was sent to all colleges subject to intervention, inviting responses from relevant stakeholders in order to gauge their views of their own perceptions and experiences of intervention, as well as the approach to intervention.
- A review of all related assessment reports published to date in order to evaluate improvements made in financial health and quality of provision in FE institutions as a result of intervention.

3. Findings and Conclusions

Impact of the intervention process to date

3.1 The majority of institutions subject to intervention have made good progress towards implementing the respective recommendations made by the FE Commissioner, with The City of Liverpool College being the first institution to successfully be removed from intervention in November 2014. This move to completion took some twelve months following the initial assessment by the FE Commissioner.

3.2 The progress made by all institutions in intervention has represented a significant reputational and fiscal return for BIS and good evidence of a successful first phase of delivering the intervention policy. The work of the FE Commissioner and his team has ensured that action has been taken promptly and before a problem escalates. In some instances, intervention by the FE Commissioner has prompted action in colleges which have been struggling with financial health for a number of years. More detailed analysis of the operational and financial impact of the policy will be undertaken and used to inform and underpin the future development of the policy.

FE Sector Perceptions of the Intervention Process and the role of the FE Commissioner

3.3 The vast majority of those interviewed or surveyed were positive about the impact that the intervention policy and process has had on the FE sector. It is evident that the policy has sent a clear message that poor performance will not be tolerated. It was widely accepted that the sector is often judged by the strength of its weakest institutions and action to address the small number of institutions which are not delivering an adequate level of performance to learners and employers has been welcomed by sector bodies and individual institutions. The intervention policy has focused attention on the importance of good governance and the necessity of maintaining curriculum standards and managing financial health.

3.4 The focus of the intervention process to date has been on FE Colleges, with the aim of ensuring that swifter and decisive action is taken for the benefit of learners and employers. The FE Commissioner has recently become involved in other provider cases i.e. with Local Authority providers and designated institutions and this has raised the profile and importance of addressing poor performance across a much wider base. Communication of the applicability and significance of the FE Commissioner-led intervention process as an escalation of taking action on poor performance across these broader areas of the FE sector will be encouraged and reaffirmed to ensure that intervention is accorded the same high profile among other institutions as it has with FE Colleges.

Communications with the sector

3.5 A key strength of the intervention process is that it is seen as fair, transparent and consistent. The intervention policy has been successful in achieving this and successful delivery of the process thus far has been due in no small part to the FE sector's perception

and welcome of the approach adopted by the FE Commissioner. Stakeholders welcome the clear and relevant responses prepared by the FE Commissioner and his team. They support the approach of publishing the FE Commissioner's summary reports both as a way to ensure transparency in the process of reporting, and as a means to report on the lessons to be learned contained in these reports. The FE Commissioner's termly letters to the sector as a whole were also seen as valuable by the sector and these will continue to be used to share the lessons learned from the various interventions.

Early Prevention arrangements

3.6 Intervention by the FE Commissioner is triggered by an Ofsted 'Inadequate' inspection grading and/or an assessment of a provider as 'Inadequate' by the Skills Funding Agency for financial health or financial management and/or failure to meet minimum standards of performance set by DfE and the Agency. The FE Commissioner intervenes in every case where a college or institution has been assessed by Ofsted as 'Inadequate', but in cases of failure on financial health and control or failure to meet minimum standards, a Case Review Group (involving the relevant Departments, the respective funding agencies, Ofsted and the FE Commissioner) convene on a monthly basis and consider whether FE Commissioner intervention is the appropriate course of action. This Group is providing an extremely effective mechanism for considering new referrals to the FE Commissioner, monitoring progress with on-going intervention cases and identifying areas where policy may need development or clarification.

3.7 Prior to reaching a trigger for intervention, providers are able access support from a range of support organisation including the Education Training Foundation, JISC, the Association of Colleges and other representative organisations, other colleges, and commercial advisers. However the evaluation did highlight that not all institutions which could possibly benefit from this support are utilising it. This may be because they are unaware of its existence and or how to access it. While it is not BIS's role to provide support to Colleges, greater signposting to these resources should be considered and would be welcomed by the sector.

The Initial Assessment process

3.8 Following referral for intervention, the FE Commissioner, accompanied by FE Advisers (usually one leading on quality and one leading on finance), will carry out an Initial Assessment at the institution. Briefing provided by the Education Funding Agency and the Skills Funding Agency provides them with essential background on the provider and the local area. From previously having taken two weeks when the intervention policy was first introduced, Initial Assessments are now completed within a week. This is a significant time saving and enables the institution to receive information on the outcome of their assessment much more quickly.

3.9 The Initial Assessment provides a good opportunity to review the problems identified at the institution in question and assess the capacity and capability of the leadership and Governance to deliver the required improvement. The FE Commissioner has established a good process whereby he will share his findings from the assessment, his conclusions and preliminary recommendations with the Chair and CEO / Principal. Following review by the Case Review Group, the Minister will subsequently write to the institution with a summary of the FE Commissioner's findings and recommendations, tasking them with the

development of an action plan to implement the recommendations. A systematic process ensures that a copy of the summary report and Minister's letter is published on the gov.uk website once the institution has replied to the Minister with an acceptable recovery plan.

3.10 Initial Assessments have been very successful in uncovering the key issues behind poor performance and making recommendations as to how to address them. Stakeholders felt this created the momentum needed to drive forward change and to continue to improve sector performance. This will need to be maintained throughout the improvement process and not just at the initial intervention stage.

Ability of the intervention process to deliver effective change

3.11 Through a combination of on-going monitoring and 'stocktake assessments' by the FE Commissioner or an FE Adviser, Ofsted 'monitoring' visits and/or monthly Case Conferences with the institution, chaired by the Skills Funding Agency it is clear that progress is ensured in 'open' intervention cases. In order to secure the maximum value from the intervention process, institutions need to assure themselves that they understand how the monitoring arrangements will work and the expectations on them in meeting key milestones for delivery.

3.12 Where a college needs radical change, such as working with a new partner, a Structure and Prospects Appraisal will be undertaken, led by the FE Commissioner. Working with the governing body, he systematically assesses the impact of different possible options for learners, employers and on local provision. The Structure and Prospects Appraisal process is working well and is delivering a solution which is responsive to the needs of each institution.

3.13 Where an institution's leadership and management do not have the capacity to make the necessary changes, the FE Commissioner may recommend that the institution be put into 'Administered Status'. This is an administrative process aimed at requiring delivery of the actions necessary to secure improvement. It is a highly significant step in intervention and its purpose and potential impact on a provider's operations and management need to be clearly set out to institutions as a consequence of not achieving progress on improving performance.

Post-Intervention follow up and ending intervention

3.14 Post the initial assessment, institutions undergo Stocktake Assessments by the Commissioner and/or his advisers, scheduled according to their situation (the pace of recovery, the capacity of the leadership team etc). These Assessments monitor progress and provide further recommendations if necessary. Where a Stocktake Assessment concludes that an institution has successfully implemented all of the FE Commissioner's recommendations going forward, and that the governors and executive have the capacity to sustain improvement, the option of ending intervention will be considered by the Case Review Group. To date, one college has been removed from intervention, and is now subject to the Skill's Funding Agency's usual monitoring requirements. As the circumstances for each intervention differ from case to case it is agreed that more definition or clarity around ending intervention by the FE Commissioner would be welcomed.

3.15 Following intervention, institutions are able to access a suite of support activities from organisations such as the ETF, the AoC, and AELP among others. It was felt that it may also be helpful for experienced staff who have been through the intervention process could possibly be invited to share their experiences by mentoring others. One college noted that this sort of support would be very helpful but emphasised that any mentor would need to have experience of situations similar to theirs.

The role of the FE Advisers and wider intervention team

3.16 The role of the FE Adviser and the skills they bring has been extremely beneficial to the FE Commissioner in helping to review the position of an institution, provide advice to Departments and funding agencies, monitor progress on implementing recommendations and ensure that the intervention process is managed effectively.

4. Forward Look

The Further Education Commissioner and the intervention process are now firmly embedded as part of the Further Education landscape. The improvements seen in Colleges currently subject to intervention should be recognised, but it is clear that BIS, the Agency and sector partners and the FE Commissioner must continue to ensure that they work together to deliver improvements in the services to learners and employers.

Work by sector bodies to support the raising of standards in the sector is very welcome and should be seen as an important part of their role. Likewise, action by individual institutions to ensure that their provision remains of a high standard should be given the highest priority. In the proportionally small number of cases where intervention has been required, BIS, DfE and their respective Funding Agencies are highly committed to ensuring that the actions taken are rapid and robust and ensure that the best interests of learners are protected.

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Appendix A

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DfE Officials – Inspections and Accountability Team
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Education Funding Agency
Ofsted
Association of Colleges
157 Group
Holex
Local Government Association
Local Education Authorities Forum for the Education of Adults
National Clerks Network
Education Training Foundation
Association of Employment and Learning Providers

Barnfield College (survey)
Bicton College (survey)
Bournville College (survey)
City of Bristol College (survey)
City of Liverpool College (interview and survey)
City of Wolverhampton College (survey)
Guildford College (survey)
K College - now West Kent and Ashford College (survey)
LeSoCo College (interview and survey)
Norton Radstock College (survey)
Stratford upon Avon College (survey)
Stockport College (survey)
West Cheshire College (survey)
Weymouth College (survey)



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